Ul	NITED S	STATES	DISTR	ICT CO	URT
NOR	RTHERN	N DISTRI	CT OF	CALIF	ORNIA

## SAN JOSE DIVISION

BELINDA K.,	) Case No.: 10-CV-05797-LHK
Plaintiff,	)
v.	) ORDER DENYING MOTION TO ) SHORTEN TIME
COUNTY OF ALAMEDA et al.,	) SHORTER TRAIL
Defendants.	)
	)

On September 1, 2011, Plaintiff Belinda K. filed a motion for a preliminary injunction, seeking to enjoin Defendants from depriving her of her right to counsel and her right to be heard in the status review hearings in juvenile court for her son, J.H. See Motion for Preliminary Injunction, September 1, 2011. See ECF No. 164. At the same time, Plaintiff filed an ex parte application to shorten time for hearing on the motion for a preliminary injunction. See ECF No. 167. Plaintiff sought a hearing date on her motion for preliminary injunction before the six month status review hearing that is set to take place September 29, 2011.

Plaintiff's motion is DENIED. It is apparent from the motion for preliminary injunction that Plaintiff was aware of the facts forming the basis of her motion since at least April 2011, but did not file a motion for a preliminary injunction until less than a month before the six-month status review hearing. Plaintiff has, therefore, not shown diligence in filing her motion for a preliminary injunction.

Case No.: 10-CV-05797-LHK

ORDER ON MOTION TO SHORTEN TIME

## Case5:10-cv-05797-LHK Document192 Filed09/21/11 Page2 of 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28

United States District Court For the Northern District of California

Moreover, Plaintiff raised similar issues in a motion for a temporary restraining order over
a year ago in a related action. Judge Breyer, the judge previously assigned to the related matter
(10-CV-2507-LHK), has already denied Plaintiff's motion for a temporary restraining order,
despite another impending status review hearing deadline. See Order Granting in Part and Denying
in Part Motion for Reconsideration, July 13, 2010, ECF No. 28. Accordingly, Plaintiff's request
to shorten time is DENIED. The Court will attempt to resolve the preliminary injunction motion
on the papers, and so declines to set a hearing on the matter at this time.

## IT IS SO ORDERED.

Dated: September 21, 2011



Case No.: 10-CV-05797-LHK

ORDER ON MOTION TO SHORTEN TIME